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EUROPEAN PATENT APPLICATION

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54 Drug, and methods of preparing and using it for treatment of tumors.

57 The technical field of the invention relates to: (1) certain photosensitive substances used with lasers for discovery and destruction of tumors; (2) methods of making the substances, (3) use of the substances; and (4) certain light-delivery equipment used with the substance. To obtain tumor-selective, photosensitizing substances useful in the localization of neoplastic tissue and treatment of abnormal neoplastic tissue such as tumors, one of two methods is used. In the first method, a hydrolyzed mixture of the products of reaction of hematoporphyrin with acetic acid and sulfuric acid is cyclized through a microporous membrane system to exclude low molecular weight products. In the second method, drugs are synthesized or derived from other pyrrole compounds. Other photosensitizing materials may be combined with a carrier that enters undesirable tissues and cells of the reticular endothelial system such as macrophages. These photosensitizing materials: (1) must have a triplet energy state above 3.5 kilocalories per mole; (2) cannot be easily oxidized; and (3) not physically quench any required energy state. Preferably, this photosensitizing material should be lipophilic. The substance

is injected into the patient, clears normal tissue and then neoplastic tissue is irradiated using lasers. Laser equipment includes a light conductor and transmitting head with light differing surface and feedback path for radiated light related to dosage.

A compound cannot be defined by its pharmacological or physiological properties; the physical properties presented in claim 1 are insufficient for characterisation. The meanings of the groups R1 - R15 are not defined in the formulas given in the claims 2, 8, 10, 20, 29 and 32. The definitions given for these groups in e.g. claim 11 are insufficient for characterisation. The meaning of "pyrrole-like parts" in claim 19 is obscure. The meaning of "DHE" in claim 34 is not clear from the claims.

In each formula given in the claims one of the carbon atoms is shown to have one single bond and two double bonds; such compounds do not exist. The compound of claim 4 is not a porphyrin derivative, because in the brutto formula nitrogen atoms are missing.

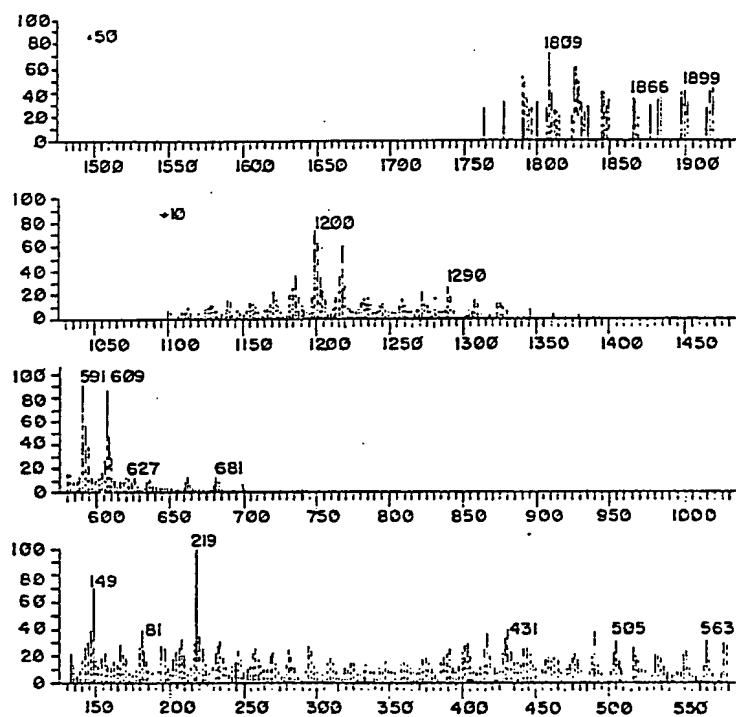


FIG. 1



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which under Rule 45 of the European Patent Convention
shall be considered, for the purposes of subsequent
proceedings, as the European search report

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DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int. Cl. 4)
X	WO-A-84 01 382 (ONCOLOGY RESEARCH & DEVELOPMENT INC.) * Whole document *	2-11	A 61 K 31/40 A 61 N 5/06
X	PROC. INT. SYMP. PORPHYRINS TUMOR PHOTOTHER., Milan, May 16-28, 1983, publ. 1984, pages 23-35; T.J. DOUGHERTY et al.: "The structure of the active component of hematoporphyrin derivative" * Whole article *	2-11	
P,X	CHEMICAL ABSTRACTS, vol. 103, no. 7, August 19, 1985, page 266, ref.no. 50524q; Columbus, Ohio, US; A.E. PROFIO: "Physics of photodynamic dosimetry" & LIA 1984, 43, 45-51 * Abstract *	2-11	
			TECHNICAL FIELDS SEARCHED (Int. Cl. 4)
			A 61 K 31/00
INCOMPLETE SEARCH <p>The Search Division considers that the present European patent application does not comply with the provisions of the European Patent Convention to such an extent that it is not possible to carry out a meaningful search into the state of the art on the basis of some of the claims.</p> <p>Claims searched completely: 2-11, 19-34 Claims not searched: 1 and 12-18 Reason for the limitation of the search: For claims 12-18: Method for treatment of the human or animal body by surgery or therapy (see Art. 52(4) of the European Patent Convention).</p> <p>For claim 1: See supplemental sheet</p>			
Place of search THE HAGUE		Date of completion of the search 10-05-1989	Examiner THEUNS
CATEGORY OF CITED DOCUMENTS X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document			



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CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing more than ten claims.

- ☐ All claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for all claims.
- ☐ Only part of the claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims and for those claims for which claims fees have been paid.
- namely claims:
- ☐ No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims.

X LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirement of unity of invention and relates to several inventions or groups of inventions.

namely:

1. Claims 1-11: Composition of matter comprising a photosensitizing molecule.....
2. Claims 19-34: Process for the production of a photodynamic substance.....
3. Claims 35-40: Apparatus for transmitting light from a light source.....

- ☐ All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.
- ☐ Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid.

namely claims:

- ☒ None of the further search fees has been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims.

namely claims 1-11 incompletely



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DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int. Cl. 4)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X	<p>PROG. CLIN. BIOL. RES., vol. 170, 1984, pages 301-314 "Porphyrin Localization and Treatment of Tumors", Proceedings of the Clayton Foundation International Symposium on Porphyrin Localization and Treatment of Tumors, Santa Barbara, CA, April 24-28, 1983, T.J. DOUGHERTY et al.: "The structure of the active component of hemato-porphyrin derivative" * Whole document *</p>	2-11	<p>TECHNICAL FIELDS SEARCHED (Int. Cl. 4)</p>
A	<p>PORPHYRIN PHOTSENSITIZATION; D. KESSEL et al., Eds.; pages 3-13, Plenum Publ. Corp., New York, US T.J. DOUGHERTY et al.: "Photoradia-tion therapy - clinical and drug advances" * Whole document *</p>	2-11	
A	<p>J. NAT. CANCER INST., vol. 26, 1961, pages 1-8 R.L. LIPSON et al.: "The use of a derivative of hematoporphyrin in tumor detection" * Summary *</p>	2-11	
A	<p>J. NAT. CANCER INST.; vol. 62, 1979, pages 231-237 T.J. DOUGHERTY et al.: "Photo-radiation in the treatment of recurrent breast carcinoma" * Abstract *</p>	2-11	
A	<p>BIOCHEM. SOC. TRANS., vol. 5, 1977, pages 139-140 D. KESSEL: Effects of photo-activated porphyrins on cell-surface properties" * Abstract *</p>	2-11	
	./.		

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DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int. Cl. 4)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
A	<p>CANCER RES., vol. 38, 1978, pages 2628-2635 - T.J. DOUGHERTY et al.: "Photo- radiation therapy for the treatment of malignant tumors"</p> <p>* Abstract *</p> <p>-----</p>	2-11	
			TECHNICAL FIELDS SEARCHED (Int. Cl. 4)

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